

**R E M A R K S**

Applicant respectfully requests further examination and reconsideration in view of the comments set forth fully below. Claims 1-60 and 82-93 were pending. Within the Office Action, Claims 1-60 and 82-93 have been rejected. Accordingly, Claims 1-60 and 82-93 are now pending.

**Rejections Under 35 U.S.C. § 103**

Within the Office Action, Claims 1-15, 17, 20-41, 82-90, 92 and 93 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. App. No. 2004/0235523 to Schrire et al. (hereinafter Schrire) in view of U.S. Pat. App. No. 2004/0193953 to Callahan et al. (hereinafter Callahan). The Applicants respectfully disagree with this rejection. Furthermore, Examiners Sharad Rampuria and George Eng acknowledged that this rejection with regards to Claim 1 should be withdrawn in a telephone interview which took place on June 27, 2007.

As was acknowledged by Examiner Rampuria, after his careful reading of Schrire and Callahan, Schrire teaches a system which backs up data but clearly does so without any user interaction with the user's device. Moreover, Schrire clearly teaches a system that is intended to perform the backup without any user interaction of a user interface on the user's device whatsoever. In other words, Schrire teaches away from the present invention. The account is set up and the backups that are performed in Schrire occur automatically without any user direction via a user interface. Furthermore, with regards to restoring data, Schrire teaches:

In the event that the user requires restoration of the EF.sub.ADN data stored on the SIM card 8, due to, for example, loss of the SIM card or corruption of the data, this will normally be dealt with by the user contacting the customer service centre. An appropriate message will be sent through the customer service centre server 97 to the database server 83 to instigate the restore process either for all entries, or for a selected group of entries. In the event of the loss of the SIM card, this may conveniently be achieved by download of the data stored on the database 85 to a SIM manufacturer who is able to load the data.

[Schrire, Paragraph 113]

Therefore, the customer service center or a SIM manufacturer performs a restore on the device, and again, no actions are performed using a user interface on the user's device. Therefore, Schrire actually teaches away from a user interface because the backups occur without user interaction, and for a restore, the user simply contacts the customer service center which handles the restore. For these reasons, Schrire clearly does not teach presenting a back-up system user account set-up interface on a user interface on the phone, the set-up interface enabling establishment of a back-up service account. Schrire also clearly does not teach presenting a

backup scheduling interface to the user interface on the phone, the backup scheduling interface accepting user input on a backup schedule. Schrire also clearly does not teach presenting a restore information interface on the user interface on the phone, the restore interface enabling a user to retrieve backup information to a data store on the phone.

The present invention is directed towards a user interface for backing up and restoring data on the user's device. Schrire clearly teaches away from any kind of user interface since a focus of Schrire is to take control out of the user's hands and to put it in the operator's control. Therefore, no references to a user interface on a user device can be combined with Schrire to teach the present invention because Schrire teaches away from any sort of user interface for backing up and restoring data on the user's device. As such, any combination of Schrire and a reference directed towards a user interface for backing up and restoring data on a user's device is improper.

There are two very different and distinct non-overlapping problems for backup. A first problem backs up data such as document files. The second problem allows a replacement system to operate in a manner substantially the same as the system it replaces. This solution only backs up configuration information and not user data. The nature of these two problems is so dissimilar that one of ordinary skill in the art attempting to solve one, would never be motivated to study the other. The present invention is directed toward the first problem, Callahan provides a solution to the second problem. Thus, Callahan is non-analogous art to the present invention. Specifically, this means the combination of Schrire and Callahan is improper, since Callahan is directed towards a user interface for backing up configuration information.

Moreover, it was acknowledged that the combination of Schrire and Callahan does not teach at least Claim 1 of the present invention; more specifically, Claim 1 is allowable over Schrire, Callahan and their combination.

Applicants hope that if a new search is performed, that Applicants' remarks regarding the fact that Schrire teaches away from any user interface for backing up and restoring data on a user's device will be properly weighed in the determination of the relevancy of any newly found references.

The independent Claim 1 is directed to a method implemented by a processing device on a telephone for backing up personal information stored in a telephone. The method of Claim 1 comprises presenting a back-up system user account set-up interface on a user interface on the phone, the set-up interface enabling establishment of a back-up service account, and the set-up interface including a display, one or more alphanumerical buttons and one or more soft buttons,

different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen, presenting a backup scheduling interface on the phone, the backup scheduling interface accepting user input on a backup schedule, and the backup scheduling interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen and presenting a restore information interface on the phone, the restore interface enabling a user to retrieve backup information to a data store on the phone, and the restore information interface including a display, one or more alphanumerical buttons and one or more soft buttons, different than the alphanumerical buttons, on the phone, the function of the one or more soft buttons on the phone changing, under control of a software application agent on the phone, depending on the content displayed on the display screen. As described above, it was acknowledged that Claim 1 is allowable over Schrire, Callahan and their combination. For at least these reasons, the independent Claim 1 is allowable over the teachings of Schrire, Callahan and their combination. Applicants respectfully request a prompt allowance.

Claims 2-15 and 17 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Schrire, Callahan and their combination. Accordingly, claims 2-15 and 17 are also allowable as being dependent upon an allowable base claim.

The independent Claim 20 is directed to a method for storing personal information in a wireless telephone in a backup storage database. The method of Claim 20 comprises providing a phone agent including instructions operable by a processor in the phone to implement an automated phone data transmission method capable of regularly transmitting changes to a backup store via a communications link, and a restore method retrieving backup information to a data store on the phone, the agent including a backup service sign-up interface, a backup method scheduling interface and a restore interface, calling the restore method, all provided to a user interface on the phone, the user interface on the phone including a display and one or more buttons on the phone and responsive to user entry at the restore interface of said agent, providing changes from the backup store to the wireless telephone. As described above, the combination of Schrire and Callahan is improper. For at least these reasons, the independent Claim 20 is allowable over the teachings of Schrire, Callahan and their combination.

Claims 21-29 are dependent upon the independent claim 20. As discussed above, the independent claim 20 is allowable over the teachings of Schrire, Callahan and their combination. Accordingly, claims 21-29 are also allowable as being dependent upon an allowable base claim.

The independent Claim 30 is directed to a method implemented on a wireless telephone for maintaining personal information in the wireless telephone. The method of Claim 30 comprises presenting a back-up system user account set-up interface on a user interface on the phone, the user interface on the phone including a display and buttons on the phone, establishing a user account via the back-up system user account set-up interface, the user account identifying the user by an unique designation and transmitting phone data to a backup store via a wireless network at regular intervals scheduled by the user. As described above, the combination of Schrire and Callahan is improper. For at least these reasons, the independent Claim 30 is allowable over the teachings of Schrire, Callahan and their combination.

Claims 31-41 are dependent upon the independent claim 30. As discussed above, the independent claim 30 is allowable over the teachings of Schrire, Callahan and their combination. Accordingly, claims 31-41 are also allowable as being dependent upon an allowable base claim.

The independent Claim 82 is directed to a user interface implemented by a processing device on a telephone for backing up personal information stored in the telephone. The user interface of Claim 82 comprises an account-setup interface on the phone enabling establishment of a back-up service account, a scheduling interface on the phone allowing a user to manually set up a schedule for backing up data on the phone, the scheduling interface including a display on the phone, alphanumeric buttons on the phone, soft buttons on the phone, different than the alphanumeric buttons, the function of the soft buttons changing depending on what is displayed on the display, and a software application agent on the phone for controlling what is displayed on the display, controlling the function of the soft buttons, and setting up a back-up schedule when information is sent to a back-up store based on information manually entered into the scheduling interface and a restore information interface enabling a user to retrieve backup information to a data store on the phone. As described above, the combination of Schrire and Callahan is improper. For at least these reasons, the independent Claim 82 is allowable over the teachings of Schrire, Callahan and their combination.

Claims 83-90 are dependent upon the independent claim 82. As discussed above, the independent claim 82 is allowable over the teachings of Schrire, Callahan and their combination. Accordingly, claims 83-90 are also allowable as being dependent upon an allowable base claim.

The independent Claim 92 is directed to a user interface implemented by a processing device on a telephone for backing up personal information stored in the telephone. The user interface of Claim 92 comprises an account-setup interface on the phone enabling establishment of a back-up service account, a scheduling interface on the phone allowing a user to manually set up a schedule for backing up data on the phone, a restore information interface enabling a user to retrieve backup information to a data store on the phone, one or more of the account-setup interface, the scheduling interface and the restore information interface including a display on the phone, alphanumeric buttons on the phone, soft buttons on the phone, different than the alphanumeric buttons, the function of the soft buttons changing depending on what is displayed on the display, and a software application agent on the phone for controlling what is displayed on the display and variably setting the function of the soft buttons. As described above, the combination of Schrire and Callahan is improper. For at least these reasons, the independent Claim 92 is allowable over the teachings of Schrire, Callahan and their combination.

The independent Claim 93 is directed to a user interface implemented by a processing device on a telephone for backing up personal information stored in the telephone. The user interface of Claim 93 comprises an account-setup interface on the phone enabling establishment of a back-up service account, a scheduling interface on the phone allowing a user to manually set up a schedule for backing up data on the phone, and a restore information interface enabling a user to retrieve backup information to a data store on the phone, one or more of the account-setup interface, the scheduling interface and the restore information interface including a display on the phone, the display displaying one or more of words and icons, a user interacting with the user interface by selecting one or more of the words and icons on the display, and a software application agent on the phone for controlling what is displayed on the display and controlling backup of personal information based on the selection of one or more words and icons on the display. As described above, the combination of Schrire and Callahan is improper. For at least these reasons, the independent Claim 93 is allowable over the teachings of Schrire, Callahan and their combination.

Within the Office Action, Claim 16 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Schrire and Callahan in view of U.S. Pat. No. 6,728,530 to Heinonen et al. (hereinafter Heinonen).

Claim 16 is dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Schrire, Callahan and their combination. Accordingly, claim 16 is also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 18, 19, 90 and 91 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schrire and Callahan in view of U.S. Pat. App. No. 2004/0192260 to Sugimoto et al. (hereinafter Sugimoto).

Claims 18 and 19 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Schrire, Callahan and their combination. Accordingly, claims 18 and 19 are also allowable as being dependent upon an allowable base claim.

Claims 90 and 91 are dependent upon the independent claim 82. As discussed above, the independent claim 82 is allowable over the teachings of Schrire, Callahan and their combination. Accordingly, claims 90 and 91 are also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 46 and 47 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schrire and Callahan in view of U.S. Pat. App. No. 2004/0192260 to Vasudevan et al. (hereinafter Vasudevan).

Claims 46 and 47 are dependent upon the independent claim 42. As discussed below, the independent claim 42 is allowable over the teachings of Schrire. Accordingly, claims 46 and 47 are also allowable as being dependent upon an allowable base claim.

### **Rejections Under 35 U.S.C. § 102**

Within the Office Action, Claims 42-45 and 48-60 have been rejected under 35 U.S.C. §102(e) as being anticipated by Schrire. The Applicants respectfully disagree with this rejection.

The independent Claim 42 is directed to a method implemented by a processor on a wireless telephone. The processor of Claim 42 comprises an automated backup process transmitting changes to the backup system at user defined intervals and a restore process activated by a user via a restore interface provided to the user by the application on the phone, to restore information stored on the backup system to the phone. As described above, Schrire does not teach a restore process activated by a user via a restore interface provided to the user by the application on the phone, to restore information stored on the backup system to the phone. For at least these reasons, the independent Claim 42 is allowable over the teachings of Schrire.

Claims 43-45 and 48-51 are dependent upon the independent claim 42. As discussed above, the independent claim 42 is allowable over the teachings of Schrire. Accordingly, claims 43-45 and 48-51 are also allowable as being dependent upon an allowable base claim.

The independent Claim 52 is directed to an application for storing personal information in a wireless telephone having a user interface and having a data store, to a backup system. The application of Claim 52 comprises an automated user account creation method initiated by the user via a user interface on a wireless telephone, the creation method accessing the backup system using a unique identifier for the user to create a user account on the backup system, an automated backup method transmitting changes to the backup system at user defined intervals and a restore method called by the user through a restore interface presented on the user interface of the phone, the restore method providing user data to a phone. As described above, Schrire does not teach an automated user account creation method initiated by the user via a user interface on a wireless telephone, the creation method accessing the backup system using a unique identifier for the user to create a user account on the backup system. Schrire also does not teach a restore method called by the user through a restore interface presented on the user interface of the phone, the restore method providing user data to a phone. For at least these reasons, the independent Claim 52 is allowable over the teachings of Schrire.

Claims 53-60 are dependent upon the independent claim 52. As discussed above, the independent claim 52 is allowable over the teachings of Schrire. Accordingly, claims 53-60 are also allowable as being dependent upon an allowable base claim.

For these reasons, Applicant respectfully submits that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
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